

**MACKINAC STRAITS CORRIDOR AUTHORITY
PUBLIC MEETING**

March 6, 2020 – 10:00 am
Little Bear Arena, St. Ignace, Michigan

MEETING MINUTES

Members Present: Mike Nystrom, MSCA
Anthony England, MSCA
James Richardson, MSCA

Members Absent: None

Also Present: James Shell, Attorney General's Office
Raymond Howd, Attorney General's Office
Dr. Mike Mooney, Consultant to MSCA
Amber Pastoor, Project Manager, Enbridge
Peter Holran, Director U.S. Government Affairs, Enbridge
Brad Shamala, Vice President Operations, U.S., Enbridge
Ryan Mitchell, MDOT

I. WELCOME

Chairman Mike Nystrom called the meeting to order at 10:05 a.m.

It was noted that the public comment portion would be at the conclusion of the business at hand. Efforts will be made to try to hear every public comment, with a three-minute maximum per speaker, but it was noted that this is not a question and answer session.

II. REVIEW OF AGENDA

Chairman Nystrom called for Motion to accept to Approve Agenda. Motion by James Richardson ; second by Anthony England. 2 ayes, 0 nays. Motion carried.

III. REVIEW OF PREVIOUS MINUTES

It was noted that Meeting Minutes from the December 19, 2018 meeting were signed by MSCA on behalf of the State of Michigan, along with Enbridge consultants. Chairman Nystrom called for Motion to Approve December 19, 2018 Meeting Minutes. Motion by James Richardson; second by Anthony England. 2 ayes, 0 nays. Motion carried.

IV. OLD BUSINESS

None.

V. NEW BUSINESS

1. Summary of Line 5 Replacement Utility Tunnel Project activity, progress, and status.

2. Tunnel Agreement.

Public Act 359 requires the MSCA act as the State of Michigan's representative in overseeing design, operation and maintenance of a utility corridor under the Straits of Mackinac. Once complete, Enbridge will transfer ownership of the tunnel to the MSCA. At that time, a process will be put in motion to shut down the current Line 5.

3. Project milestones met, submittals received, and overview of Tunnel Agreement requirement – Dr. Mike Mooney, expert tunnel/geotechnical consultant to the MSCA:

There are six deliverables provided to date pursuant to the agreement by Enbridge:

i. Preliminary Engineering Activities Workplan. Required pursuant to Sec. 7.1 of the Tunnel Agreement. Workplan submitted February 2019. The workplan describes all engineering activities that will be performed up to and through development and design. The workplan has been deemed satisfactory and in accordance with requirements.

Questions/Discussion: Geotechnical analysis has been done, data has been collected, a 2600+ page report has been generated with tremendous detail and will be used by the tunnel designer. Ground conditions include competent soil and rock and are within the realm of successful tunnels that have been constructed around the world. No surprises or unique risks for tunneling projects were identified.

Chairman Nystrom called for Motion to accept Dr. Mooney's recommendation to accept the Preliminary Engineering Activities Workplan submittal. Motion by Anthony England, second by James Richardson. 2 ayes, 0 nays. Motion carried.

ii. Identify Project Specifications Team. Required pursuant to Sec. 7.2 of the Tunnel Agreement, to be provided no later than March 1, 2019. Enbridge and MSCA to identify members of the Project Specifications Team. On February 28, 2019, Enbridge submitted a document identifying members, including Amber Pastoor and Aaron Dennis of Enbridge, Dan Cooper and Mike Mooney for MSCA, as well as individuals from MDOT. Enbridge design engineer will also participate. Final specifications will be developed throughout 2020.

Questions/Discussion: Is the specifications team planning for the addition of third-party utilities (broadband/electrical) in the future (add brackets/supports early on in design phase), and has anyone expressed interest to date? The team does plan to account for the addition of third-party utilities in the future, though no formal inquiries have been received to date. In addition, other essential factors being taken into account are safety,

environmental factors, service life, and access to the tunnel during the 99-year service life. Specifications will continue to be developed until the tunnel is built. The team continues to grow and specifications will keep evolving up until construction begins in 2021. Enbridge will provide funding for an independent quality assurance coordinator that works on behalf of MSCA to assure the tunnel is constructed per the specifications laid out in 2020.

Chairman Nystrom called for Motion to accept Dr. Mooney's recommendation to accept the Project Specifications Team submittal. Motion by James Richardson, second by Anthony England. 2 ayes, 0 nays. Motion carried.

iii. Draft Procurement Contracting Execution Plan. Required pursuant to Sec. 7.5a of the Tunnel Agreement. The draft procurement contracting execution plan includes contract execution models to complete design construct of tunnel. It includes Enbridge's procurement quality process, bid solicitation, contractor qualification process, and proposal/selection process. This procurement approach is a well-accepted project delivery model, and a quality selection process in line with standard practice for tunnel projects. The Draft Procurement Contracting Execution Plan is found to be satisfactory.

Questions/Discussion: Mike Mooney has been involved in approximately 20 tunnel projects worldwide and feels this is the best possible procurement process that can be used.

Chairman Nystrom called for Motion to accept Dr. Mooney's recommendation to accept the Draft Procurement Contracting Execution Plan. Motion by Anthony England, second by James Richardson. 2 ayes, 0 nays. Motion carried.

iv. Geotechnical Data Report. Required pursuant to Sec. 7.2 of the Tunnel Agreement, and submitted on December 23, 2019. The Geotechnical Data Report consists of 2600+ pages and provides a summary of historical data and previous investigations, and details field investigation borings. It includes boring logs, record of drillings and samplings, etc. In accordance with the state of practice, it is found to be satisfactory.

Chairman Nystrom calls for Motion to accept Dr. Mooney's recommendation to accept the Geotechnical Data Report. Motion by James Richardson, second by Anthony England. 2 ayes, 0 nays. Motion carried.

v. Draft Request for Proposals to Solicit Proposals to Design or Design Construct. Required pursuant to Sec. 7.5b of the Tunnel Agreement, and submitted on August 19, 2019 (well in advance of the April 30, 2020 deadline). The RFP addresses 7 requirements:

1. Qualifications of Proposed Contractors.
2. Request for Jointly Developed Project Specifications.

3. Financial Risk Liability Statement (both State of Michigan and MSCA).
4. Commercial Structure.
5. Key Progress Reports and Deliverables.
6. Include Change Management Procedures.
7. Requirement for Developing Michigan's Labor Pool.

Both RFP's include all seven requirements. Both RFPs are found to be satisfactory and in compliance with Tunnel Agreement.

Chairman Nystrom calls for Motion to accept Dr. Mooney's recommendation to approve the RFPs. Motion by Anthony England, second by James Richardson. 2 ayes, 0 nays. Motion carried.

Ryan Mitchell of MDOT addresses the sixth deliverable:

vi. Escrow Plan. Required pursuant to Sec. 8.3 of the Tunnel Agreement, wherein Enbridge is required to provide within 270 days after execution of the agreement a procedure to establish and manage escrow accounts, to which disbursements will be made. Section 8 describes incentives related to performance of obligations of Enbridge and delay compensation penalties for delay by Enbridge. There are three requirements: (1) the escrow agent be an independent financial institution, (2) terms are established through a written agreement, and (3) Enbridge is responsible for all costs and fees related to the escrow agreement. The Escrow Plan was submitted on August 30, 2019 (was due September 16, 2019) and is found to be in compliance with the Tunnel Agreement.

Questions/Discussion: Members discuss approving the Escrow Plan that has been submitted, in case it needs to be used in the future if Enbridge misses any deadlines. Members verify that the Plan includes an independent third-party financial institution, which it does.

Chairman Nystrom calls for Motion to accept Mr. Mitchell's recommendation to approve the Procedures for Establishing Escrow Accounts. Motion by Anthony England, second by James Richardson. 2 ayes, 0 nays. Motion carried.

A brief summary by Peter Holran, Director of Government Relations for Enbridge: Enbridge has been working with the MSCA throughout this process. Enbridge is committed to building the Great Lakes tunnel project. Enbridge feels it is the best long-term solution for not only Michigan but the region, while also addressing the joint value/vision of protecting the Great Lakes. The tunnel project will be monumental in construction, i.e., something that hasn't been contemplated before but is very feasible, and it will make a safe pipeline even safer. Enbridge has been working to move the project forward, is on schedule, and will be able to start construction by the end of 2021 pending permit obtainment. Construction is scheduled to be completed by the end of 2024.

4. Government approvals and permits, and status update.

Amber Pastoor, Project Manager for Enbridge on the Great Lakes tunnel project, provided a quick overview on the current status. All geotechnical investigations have been completed, preliminary activities workplan has been submitted, and the procurement and contracting execution strategy has been executed. Two industry-leading contractors have been selected for design and preconstruction: ARUP for design, and Great Lakes Tunnel Contractors for preconstruction. Future work will be filing for government approvals and permit applications, and to continue developing detailed design in 2020. Given the 18-month permitting window, Enbridge would be looking at beginning construction in the 3rd quarter of 2021, with the tunnel being in service at end of 2024. It will take two years to mine across the Straits of Mackinac. The tunnel completion report and maintenance plans will be submitted when closer to the completion of construction as per the agreement.

Question/Discussion ensued regarding the joint permit process between Enbridge and MSCA; advantages and disadvantages?

After discussion, Chairman Nystrom called for a Motion to waive the joint application permitting process and allowing Enbridge to move forward. Motion by Anthony England, second by James Richardson. 2 ayes, 0 nays. Motion carried.

5. Peter Holran introduced Brad Shamala to address pipes that are still in place, as well as measures Enbridge is taking to continue to monitor/improve while tunnel construction takes place.

Safety is the top priority for Enbridge. Work is ongoing on Line 5 and in the Straits to improve and maintain Line 5. Activities: Enbridge is committed to the safe operation of the existing dual pipelines that are currently in the Straits, and later moving forward with decommissioning of the dual pipelines.

Action plan update. Three core actions: (1) Vesper Guardian Protect System, allows Enbridge to track and monitor vessels coming through the Straits, and allows Enbridge to communicate with those vessels as they approach, and assure they are aware of the pipeline. (2) Two cameras have been put in place to allow viewing of vessels that come through, monitored 24/7 at the SOC (Straits Operations Center), watching for anchor chains, etc. Also putting in 6 new cameras in the spring (three on north side of Straits, three on south) to continue to monitor vessels coming through. (3) On-water patrol boats to monitor and support vessels passing through the Straits. These boats are not meant to police, but to work with the Mariner's Association to set vessels up for success moving through the Straits.

Question/Discussion to confirm/verify whether the dual pipelines will be removed or just decommissioned. Enbridge will work with EGLE, tribes and public for input and a

determination will be made on whether the dual pipelines will be removed or decommissioned.

6. Procurement of Authority's Independent Quality Assurance (QA) Contractor.
Addressed by Mike Mooney:

The Tunnel Agreement specifically requires independent quality assurance of the construction process funded by Enbridge. The role of the quality assurance contractor is to oversee the construction process, and to make sure that the project specifications are met during construction. When Enbridge transfers the tunnel to the MSCA at completion, the QA consultant will assure the tunnel is constructed pursuant to the project design and specifications.

Chairman Nystrom called for a Motion to move forward with the process with Mike Mooney and MDOT to develop an RFP that we would approve in the future. Motion by Anthony England, second by James Richardson. 2 ayes, 0 nays, Motion carried.

Meeting Break: 11:40 a.m.

Chairman Nystrom called the meeting back to order at 12:00 noon.

VI. PUBLIC COMMENT

Public comments will be available in the online repository.

VII. ADJOURN

With no further business at hand, Chair Mike Nystrom called for Motion to Adjourn. Motion by James Richardson, second by Anthony England. Motion Carried.

Meeting adjourned at 12:22 p.m.

Minutes taken by:
Becky Prusakiewicz
Senior Executive Management Assistant
MDOT North Region

Approved: _____



SPEAKER IDENTIFICATION

(Please print clearly)

Name: Brent Pilavski



Representing: LUNA

SPEAKER IDENTIFICATION

(Please print clearly)

Name: Mike Ripley

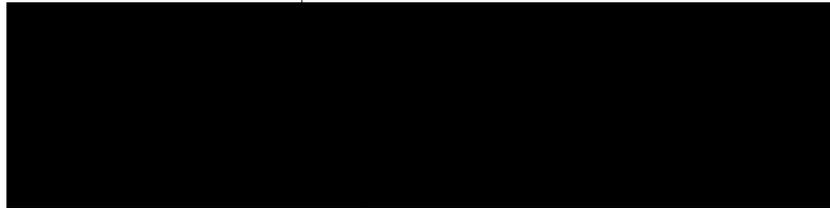


Representing: CORA

SPEAKER IDENTIFICATION

(Please print clearly)

Name: Mark Clymer



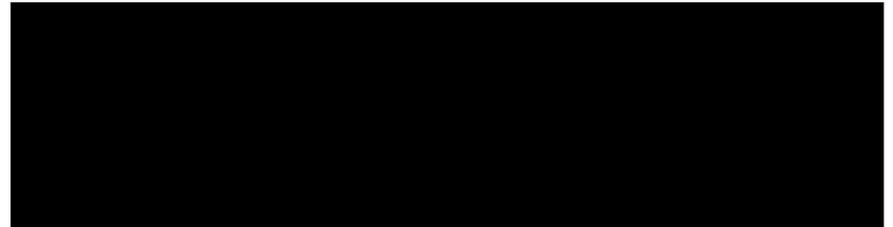
Representing: _____

Clark Twp

SPEAKER IDENTIFICATION

(Please print clearly)

Name: Sean McBrearty



Representing: Oil + Water

Don't Mix

SPEAKER IDENTIFICATION

(Please print clearly)

Name: Ashley Soltysiak



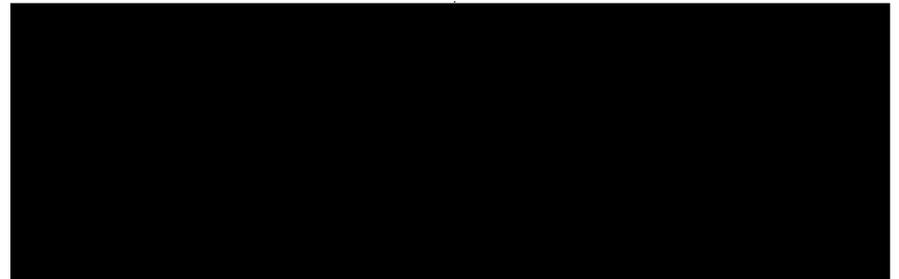
Representing: _____

Tip of the Mitt Watershed
Council.

SPEAKER IDENTIFICATION

(Please print clearly)

Name: Lawrence Welsh



Representing: People CLF

SPEAKER IDENTIFICATION

(Please print clearly)

Name: BILL GUODIKE



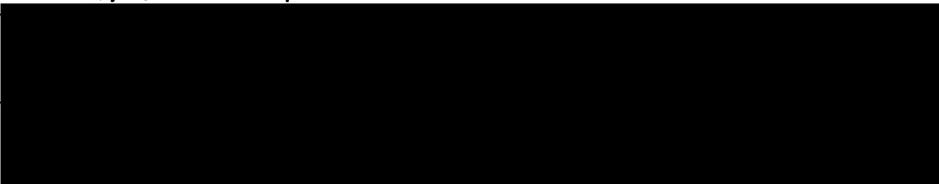
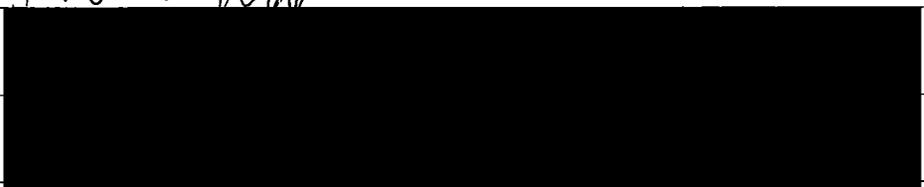
Representing: SELF

 PUBLIC PARTICIPATION SIGN-IN SHEET

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MEETING PURPOSE	LOCATION OF MEETING	DATE
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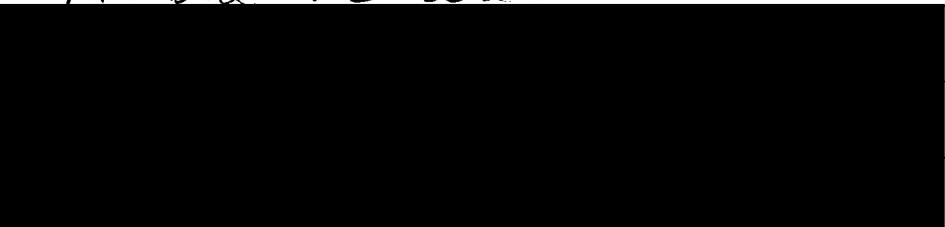
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NAME JACK FRITZ	NAME 
	

EMAIL ADDRESS	EMAIL ADDRESS
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REPRESENTING	REPRESENTING Enbridge
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NAME Richard Lenardson	NAME
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CITY	STATE	ZIP
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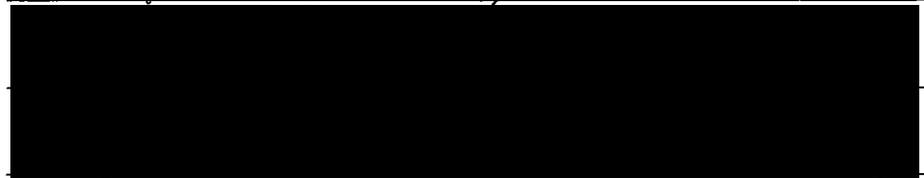
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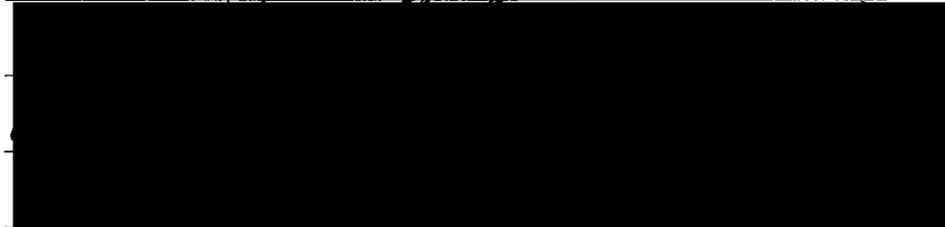
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NAME <i>Adel Easterday</i>	NAME <i>Jared Nyman</i>
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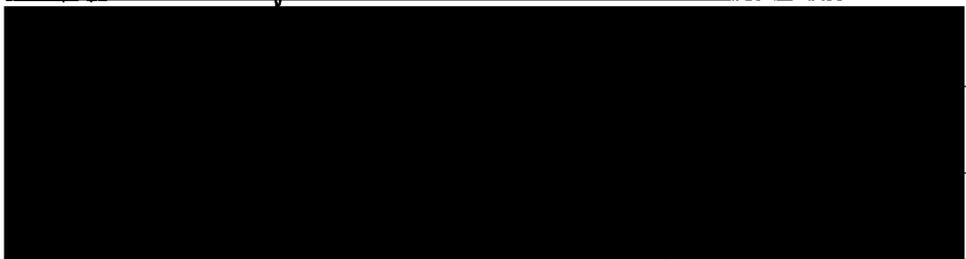
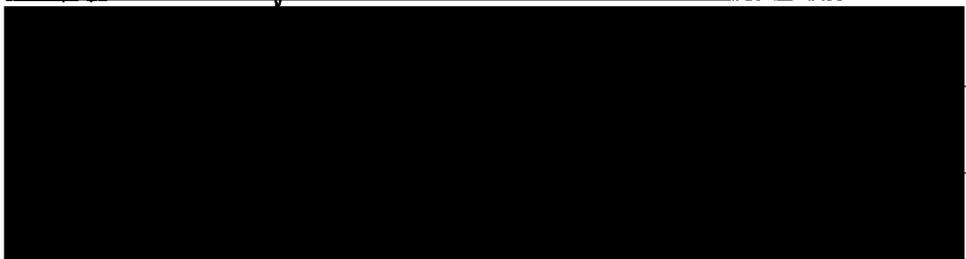
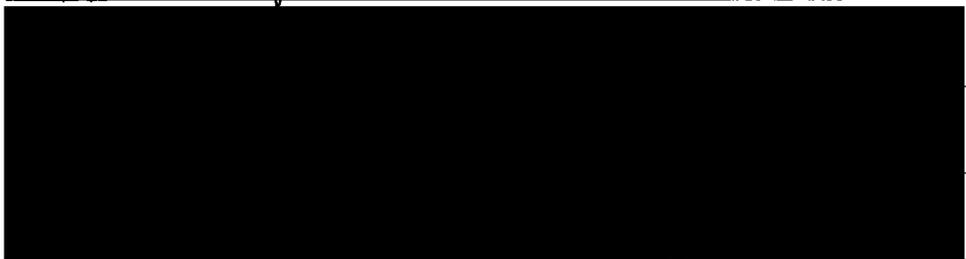
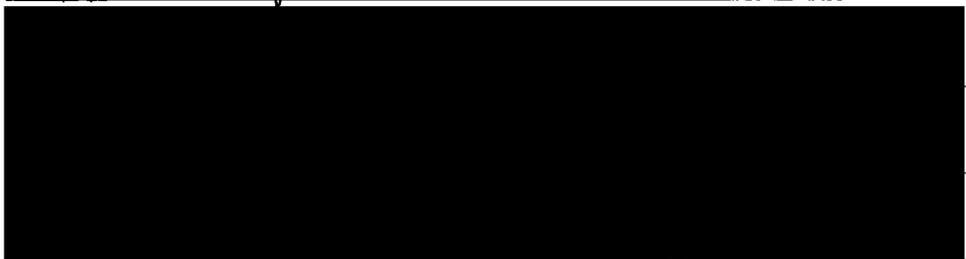
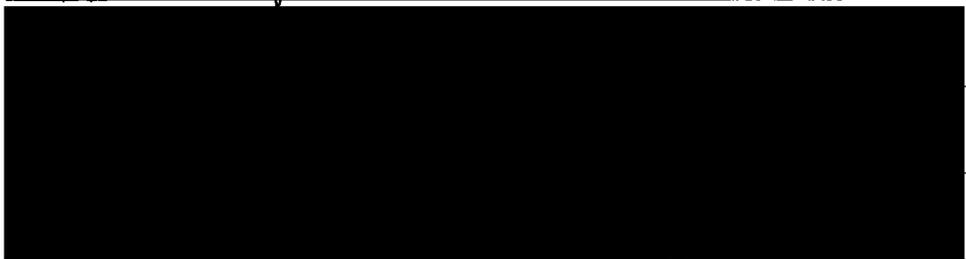
REPRESENTING	REPRESENTING <i>Lee Enbridge</i>
NAME <i>Betty Coffey</i>	NAME <i>Mark Clumer</i>
REPRESENTING 	REPRESENTING <i>Clark</i>

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MEETING PURPOSE <i>Enbridge</i>	LOCATION OF MEETING <i>St. Ignace</i>	DATE <i>3/4/2020</i>
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NAME <i>Aimee Williford</i>	NAME
	ADDRESS
	CITY
	STATE
	ZIP
	EMAIL ADDRESS
REPRESENTING <i>St. Ignace Chamber of Commerce</i>	REPRESENTING
NAME	NAME
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STATE	STATE
ZIP	ZIP
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REPRESENTING	REPRESENTING

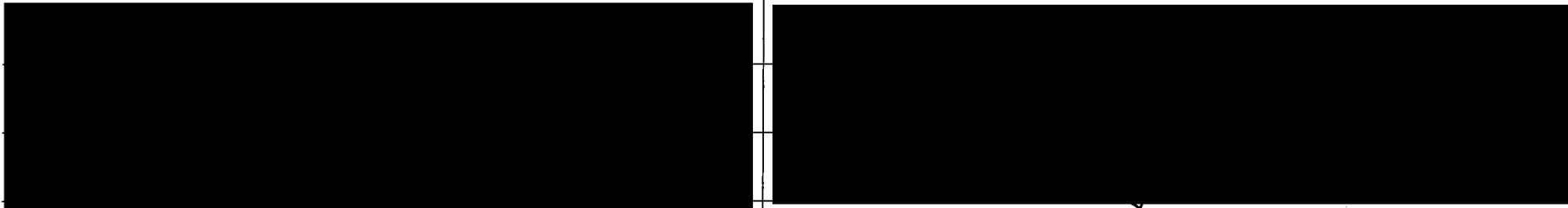
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NAME <i>Kevin Erickson</i>	NAME <i>SUE ALLOR</i>
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REPRESENTING <i>Lees County Commissioner</i>	REPRESENTING <i>106TH DISTRICT</i>
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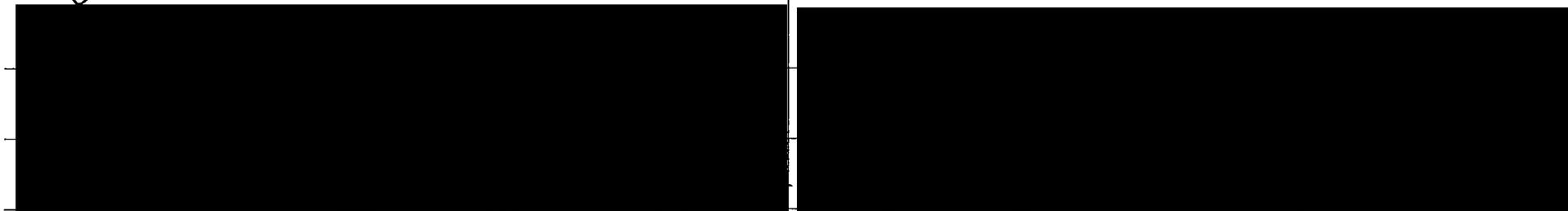
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NAME <i>Sam RTH</i>	NAME <i>Denise Pallarito</i>
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REPRESENTING <i>Cheboygan County</i>	REPRESENTING <i>Michigan Assoc. of Timbermen</i>
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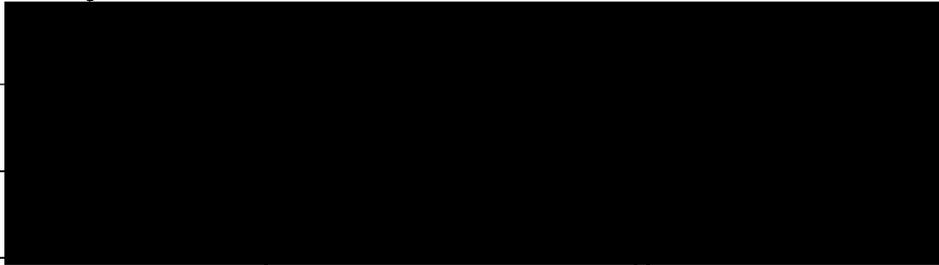
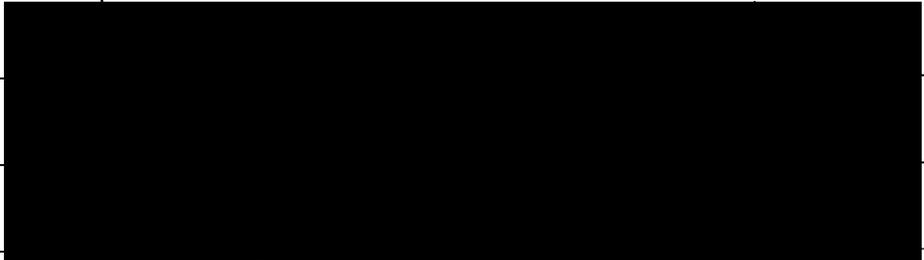
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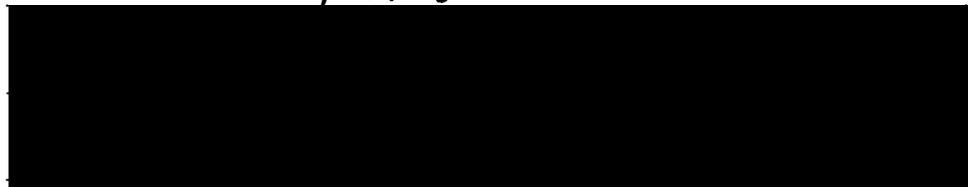
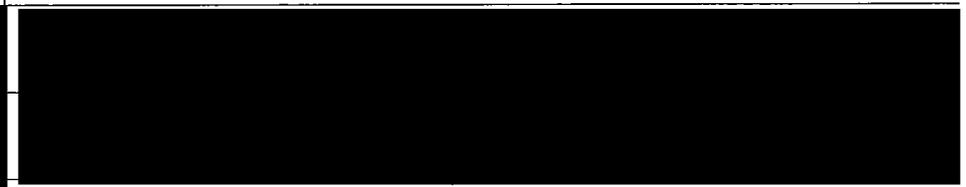
NAME <i>Amber Pastoor</i>			NAME <i>Stephanie Fortino</i>		
					
REPRESENTING <i>Enbridge</i>			REPRESENTING <i>St Ignace News</i>		
NAME			NAME		
ADDRESS			ADDRESS		
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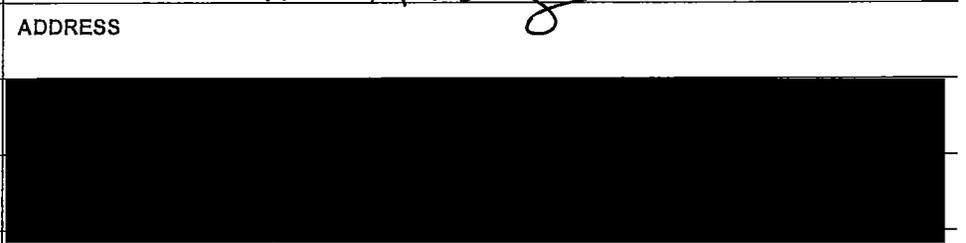
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NAME <i>Todd Hylard</i>	NAME <i>Emma Code</i>
	
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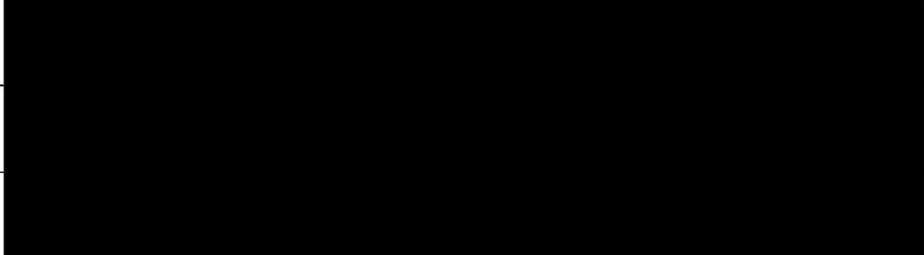
NAME <i>George Edward Sew</i>	NAME <i>David Kronberg</i>
	ADDRESS 
EMAIL ADDRESS	REPRESENTING <i>Moran Iron Works</i>

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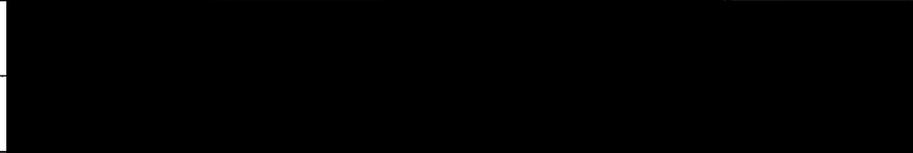
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NAME <i>Dylan Darrow</i>	NAME <i>Brian Moore</i>
	

REPRESENTING <i>Darrow Bros Excavating, Inc.</i>	REPRESENTING
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NAME <i>Jesse Salazar</i>	NAME		
	ADDRESS		
	CITY	STATE	ZIP

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REPRESENTING <i>Enbridge</i>	REPRESENTING
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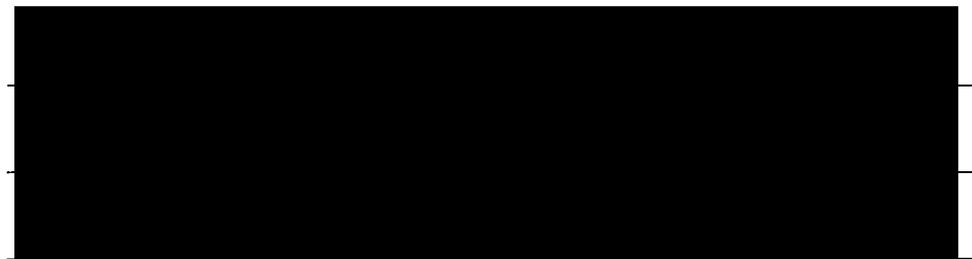
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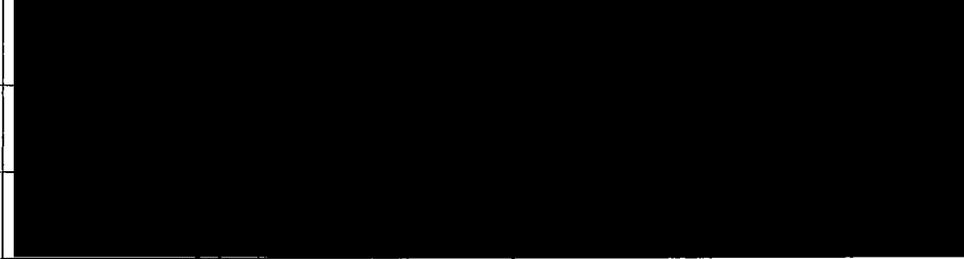
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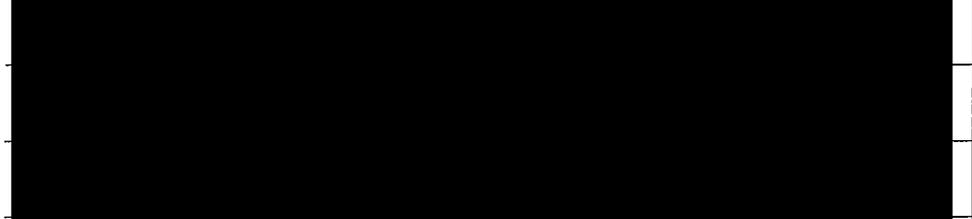


REPRESENTING Mackinac Co. Planning Comm., Mackinac Economic Alliance

REPRESENTING Cordie Fraser Inc. - CFA

NAME Ashlyn Goltysiak

NAME Sean W. Bently





REPRESENTING Tip of the Mitt Watershed Council.

EMAIL ADDRESS
REPRESENTING SWDM / CWA

**Public Meeting
Little Bear Arena, St. Ignace, MI
COMMENT FORM
March 6, 2020**

GET INVOLVED!

Your comments are important!

* * * PLEASE PRINT CLEARLY * * *

Name Betsy Dayvell-Hart E-mail [REDACTED]
Address [REDACTED]
City [REDACTED] State [REDACTED] Zip code [REDACTED]

TELL US WHAT YOU THINK.

Please use the space below and additional pages if necessary. During this meeting, you can choose to record your comments in a written statement. Or, if you wish, you can mail or e-mail comments using the contact info below.

Chair, Planning Commission - the PC is
interested in housing for employees of the
tunnel - plans, needs, what is lacking.

Please return this form before you leave or mail or e-mail it by March 20, 2020 to:

**Public Hearings Officer
Michigan Department of Transportation
Environmental Services Section/2nd Floor
425 W. Ottawa, P.O. Box 30050
Lansing, MI 48909
E-mail: MDOT-PublicComment@michigan.gov**

Public Meeting
Little Bear Arena, St. Ignace, MI
COMMENT FORM
March 6, 2020

GET INVOLVED!

Your comments are important!

* * * PLEASE PRINT CLEARLY * * *

Name Mark Clymer E-mail [REDACTED]
Address [REDACTED]
City [REDACTED] State MI Zip code [REDACTED]

TELL US WHAT YOU THINK.

Please use the space below and additional pages if necessary. During this meeting, you can choose to record your comments in a written statement. Or, if you wish, you can mail or e-mail comments using the contact info below.

- ① I encourage the Corridor Authority to contract for any liability associated w/ the tunnel w/ Enbridge - the parent company & not subsidiaries
 @ ideally have Enbridge post bond for the projected & modeled damages of over \$1 Billion US dollars
- ② what costs are the State of Michigan assuming during & after the tunnel construction?
 @ eg, planning, oversight, legal, Corridor Board etc.
 @ will there be a publically available audit of costs?
- ③ During the drilling operation, has the vibration & resonance through the Straits been modeled?
 @ Is there risk of damage to Mackinac Bridge or line 5?

Please return this form before you leave or mail or e-mail it by March 20, 2020 to:

Public Hearings Officer
Michigan Department of Transportation
Environmental Services Section/2nd Floor
425 W. Ottawa, P.O. Box 30050
Lansing, MI 48909
E-mail: MDOT-PublicComment@michigan.gov



March 6, 2020

Mackinac Straits Corridor Authority

RE: Enbridge Energy, Limited Partnership Line 5

Chairman Nystrom and Authority Members:

Tip of the Mitt Watershed Council, on behalf of its 2,300 plus members, would like to thank you for the opportunity to provide comments to the Mackinac Straits Corridor Authority.

As a means of introduction, Tip of the Mitt Watershed Council, founded in 1979, is a nonprofit organization based in Petoskey, Michigan whose purpose is to protect, restore, and enhance water resources, including inland lakes, rivers, wetlands, groundwater, and the Great Lakes. We had staff appointed by Michigan's former Governor to serve on the Michigan Pipeline Safety Advisory Board. We base all our programs on sound science and policy analysis, and have garnered respect for our work from local, state, and federal agencies, businesses, fellow environmental organizations, and citizens.

Pursuant to our mission to safeguard our waters, we offer the following comments.

No Action Until Constitutionality Issues are Addressed

On March 28, 2019, the Board of the Mackinac Straits Corridor Authority (Authority) received correspondence from the State of Michigan Department of Attorney General advising the Board to refrain from action to implement 2018 PA 359 and the December 19, 2019 Tunnel Agreement between the Authority and Enbridge Energy, Limited Partnership. This request was based upon the Attorney General opinion that concludes certain provisions of Act 359 are unconstitutional and that any court determination that 2018 PA 359 is unconstitutional would likely apply that decision retroactively, and conclude that the Mackinac Straits Corridor Authority, its Board, and any action taken by the Board are void from their inception.

While the Court of Claims issued its Opinion and Order on October 31, 2019 concluding that Act 359 did not violate the Title-Object Clause in any respect and granted Enbridge's request for summary disposition under MCR 2.116(1)(2), the matter is still within the court system. The Michigan Department of Attorney General has asked the Court of Appeals to reverse the Court of Claims decision. As the constitutionality of PA 359, and subsequently the Mackinac Straits Corridor Authority, is still under question and may yet be declared void by the court system, it would be prudent for the Authority to not take actions pursuant to PA 359 or any agreements related to PA 359.

We recommend that the Authority refrain from taking any actions and making any decisions that could be declared unconstitutional by the Michigan Court of Appeals.

Permits and Government Approvals

Per Section 4.1 Necessity of Government Approvals/Permits- Enbridge and the Authority intend and agree to obtain or cause to be obtained any Government Approvals or Permits for the construction, operation, and maintenance of the Tunnel as required by Applicable Law.

Once the validity of the Authority is determined, we recommend that the Mackinac Straits Corridor Authority require Enbridge to obtain a permit under Michigan's Great Lakes Submerged Lands Act, Part 325 of the Natural Resources and Environmental Protection Act (NREPA), 1994 PA 451, as amended. The State, as the owner and trustee, has a perpetual responsibility to the public to manage these bottomlands and waters for the prevention of pollution, for the protection of the natural resources and to maintain the public's rights of hunting, fishing, navigation, commerce, etc. The State of Michigan's authority to protect the public's interest in the bottomlands and waters of the Great Lakes is based on both ownership and state regulation. The Public Trust Doctrine, as the basis for Part 325, provides state authority to not only manage but also to protect the public's fundamental rights to use these resources. The Great Lakes Submerged Lands Act requires any use of Great Lakes bottomlands to first apply for a permit from the State to ensure that the proposed private use of such lands and waters will neither substantially affect the public use or public trust interests of the State.

In addition, we request that the Mackinac Straits Corridor Authority require Enbridge to submit a full Environmental Impact Statement to the Michigan Public Service Commission (MPSC). In 2012, the MPSC issued an order in docket no. U-17020, which stated:

"Generally, the Commission will grant an application pursuant to Act 16 when it finds that (1) the applicant has demonstrated a public need for the proposed pipeline, (2) the proposed pipeline is designed and routed in a reasonable matter, and (3) the construction of the pipeline will meet or exceed current safety and engineering standards."

Under the Michigan Environmental Protection Act, the MPSC must consider the impact of the proposed pipelines on the environment. Specifically, past case law explains that the MPSC must consider:

- i. Whether the proposed project would impair the environment;
- ii. Whether there was a feasible and prudent alternative to the impairment; and,
- iii. Whether the impairment was consistent with the promotion of the public health, safety, and welfare in light of the state's paramount concern for the protection of its resources from pollution, impairment or destruction. State Hwy Comm v Vanderkloot, 329 Mich 159, 185; 220 NW2d 416 (1974)

In order to meet these standards, a full Environmental Impact Statement (EIS) is necessary. The EIS will allow Enbridge to provide the reason for proposing the Straits Tunnel Project and what the expected results are, consideration of a reasonable range of alternatives that can accomplish the purpose and need of the proposed action, the environment to be affected by the alternatives under consideration, and the direct and indirect environmental effects and their significance.

Independent Assurance Contractor

Per Section 5.3 Independent Quality Assurance Contractor - Enbridge will provide funds necessary for the Authority to retain an Independent Quality Assurance Contractor with appropriate technical expertise to monitor the construction of the Tunnel and provide information to the Authority.

Enbridge needs to provide sufficient funds to ensure that the State of Michigan can adequately review all permit applications and monitor the construction of the Straits Tunnel, at no cost to the taxpayers of Michigan. State of Michigan funds have been allocated for the planning, oversight, and legal services related to the Straits Tunnel Project. It is inappropriate that citizens of Michigan be held responsible for the technical expertise and oversight for actions of a private corporation. The Mackinac Straits Corridor Authority needs to ensure that no taxpayer dollars go toward the proposed Straits of Mackinac pipeline tunnel, and that Enbridge fully funds all expenditures. This includes providing the Authority with funds to retain technical expertise to monitor the construction of Tunnel, as well allowing all State agencies adequate expertise to evaluate the proposal through permit applications.

Completion of the Geotechnical Investigation and Data Report

Enbridge planned to complete 18 deep water geotechnical borings. According to the November 2019 Line 5 Replacement and Tunnel Project Monthly Progress Update, Enbridge completed 14 deep-water bore holes as part of the geotechnical investigation. Therefore, Enbridge failed to complete the full investigation. The geotechnical investigation is vital to define the subsurface environment to inform the feasibility and design of a tunnel crossing the Straits. Enbridge not completing the full geotechnical investigation is problematic for the future development of a Straits tunnel. Without a full characterization of the subsurface environment, the feasibility and design of the tunnel crossing the Straits cannot be completed with confidence that there will be no adverse impacts to the public trust waters of Michigan.

Furthermore, during the geotechnical boring operations, a 3-inch tremie pipe broke, leaving a 200-foot long pipeline stuck in the bottomlands of the Straits of Mackinac. If any part of the borehole annulus outside of the stuck pipe remained un-grouted, and the bore hole also intercepted any rock faults that would be hydraulically conductive to areas near the planned routing of the proposed tunnel, then such an ungrouted portion of the bore hole might be a hazard to future tunnel construction and operations.

As a result, more analysis is needed of both the subsurface environment, as well as the impact of the remaining tremie pipe, for the viability and integrity of constructing a tunnel in the Straits of Mackinac.

Transparency

Given the public interest and high consequence should an incident occur during construction of the tunnel or operation of the crude oil pipeline in the Straits of Mackinac, the Authority should strive for the utmost public transparency. This includes making public all of the documents Enbridge has submitted to the Authority for review.

We recommend the Authority make the following documents, at a minimum, public: the Geotechnical Data Report and the Preliminary Engineering Activities Work Plan - describing all engineering activities up to development of an RFP for design or design-construct of the Tunnel.

We also recommend that any documents submitted to the Authority be made public on a dedicated webpage. The public's involvement and engagement in the Straits Tunnel is crucial.

Line 5 Infrastructure in Michigan

Any action on Line 5 must be taken within the context of the entire Line 5 infrastructure in Michigan. Replacement of Line 5 in the Straits will not eliminate the risk to the public trust waters of the Great Lakes. The inland portions of Line 5 will still remain, with nearly 400 sites where it crosses a waterbody in Michigan. Of particular note, Line 5 will still traverse across the Upper Peninsula, along the U.S. 2 corridor, where there are a number of direct tributaries to Lake Michigan. A leak or rupture along this portion could still result in an oil spill into Lakes Michigan-Huron and the Straits of Mackinac, and the same containment and recovery difficulties would exist. U.S. Coast Guard (USCG) personnel and emergency managers both point to the stretch of the pipeline along U.S. Highway 2 near Lake Michigan's northern shore as their worst-case scenario. Concerns revolve around a combination of less robust technology such as pipeline wall thickness and monitoring equipment, as well as higher vulnerability to an errant strike and potential access problems for containment and cleanup equipment, in addition to difficult terrain and environment for cleanup activities.

In fact, the inland portions pose just as great, if not greater threat, due to the basic construction, operation, and maintenance of the line. The wall thickness of the inland pipeline is significantly less. It is 0.281 inches thick versus 0.813 inches at the Straits. Along with a thinner pipeline, it operates at a higher pressure. In addition, it has a side seam, which the Straits portion of pipe does not have. This seam can be subject to stress cracking and could cause the inland pipe to be more vulnerable. The inland portion is also not subject to the same inspection frequencies. If you look at historic dent summary, you will see that there are more dent features total and features per mile inland than in the Straits. Additionally, this is historically where Line 5 has experienced leaks and ruptures proving the vulnerability and risk of the inland portion of Line 5.

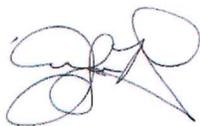
Therefore, simply replacing the Straits portion of the pipeline ultimately fails to eliminate the risk to the Great Lakes and Michigan's public trust waters.

We recommend that the Authority look at Line 5 holistically and look at the entire pipeline infrastructure in Michigan. The four miles in the Straits of Mackinac cannot be separated from the rest of the infrastructure that also poses a risk to Michigan's environment and citizen's public health and safety.

Conclusion

Thank you for the opportunity to provide my insight and recommendations regarding the proposed Straits tunnel agreements and the future of Line 5. Please let me know if you have any questions regarding the recommendations provided.

Sincerely



Jennifer McKay
Policy Director